

MINUTES OF THE JANUARY 13TH, 2016 CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

The following are the minutes of the Special Magistrate Hearing held on January 13th, 2016 as taken by Jamie Davis

Present at the hearing:

SPECIAL MAGISTRATE

Charles D. Johnson

CODE ENFORCEMENT STAFF:

Dennis Bunt, Code Enforcement Supervisor
Lisa Grider, Code Enforcement Officer
Stan Wilson, Code Enforcement Officer
Jennifer Joiner, Code Enforcement Officer
Mark Shepherd, Code Enforcement Officer
Ron Collodi, Code Enforcement Manager
Jamie Davis, Public Hearing Coordinator

ANIMAL CONTROL STAFF:

Sharon Beardsley, Animal Control Officer
Gerry Hodge, Animal Control Officer
Shasta Wilson, Animal Control Officer
Karen Wright, Animal Control Officer

STAFF ATTORNEY:

Erin Hartigan, Assistant County Attorney

Charles D. Johnson called the meeting of the Special Magistrate to order at 9:00 a.m.

Erin Hartigan announced the changes to the agenda. On the Code Enforcement Agenda, Items 1, 2, 3, 5, 8 and 9 had cleared. On the Animal Service Agenda, Items 18 and 19 had paid.

Staff was sworn in by Charles Johnson.

Code Enforcement:

ITEM 4

Jonathan Dadd & Marry Dadd, SM-2015-07-0035

Jonathan Dadd was present and sworn.

Erin Hartigan stated this case is charging the owner with violation of Section 14-56 "Declaration of Nuisance and Prohibited Conditions". Staff recommended the Special Magistrate find the Respondents in violation of this section and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15th day if not in compliance.

File was entered into evidence.

Officer Stan Wilson testified to the facts of the case and requested that the Respondent be ordered to remain in compliance due to repeated complaints.

Jonathan Dadd testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation and ordered the Respondents to remain in compliance or be brought back as a repeat violator.

ITEM 6

Wesley A. Wright and Any Unknown Heirs of Wesley A. Wright, SM-2015-05-0165

Respondent was not present.

Erin Hartigan stated this case is charging the owner with violation of Section 14-56 "Declaration of Nuisance and Prohibited Conditions" and Section 23-99 "Accumulation of Solid Waste Prohibited". Staff recommended the Special Magistrate find the Respondent in violation of these sections and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15th day.

File was entered into evidence.

Officer Stan Wilson testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation and ordered that the Respondent remain in compliance.

ITEM 7

Douglas & Jamie McDuffie, SM-2015-06-0188

Michael Williams was present and sworn.

Erin Hartigan stated this case is charging the owner with violation of Section 3.01.04 (7) "Key to Conditions in Table of Permitted and Conditional Uses", Section 3.06.01 "Purpose and Intent" and Section 14.00.02 "Prohibition".

File was entered into evidence.

Officer Mark Shepherd testified to the facts of the case.

Michael Williams testified to the facts of the case and stated that he applied for a variance and that the meeting for the variance is scheduled for January.

Special Magistrate Charles D. Johnson postponed the hearing to February.

ITEM 10

William R. Porter, SM-2015-04-0310

Respondent was not present.

Erin Hartigan stated this case is charging the owner with violation of Section 23-98 "Junk" and Section 23-99 'Accumulation of Solid Waste Prohibited'. Staff recommended the Special Magistrate find the Respondent in violation of these sections and grant 30 days to comply or a fine of \$50.00 per day to begin on the 31st day if not in compliance.

File was entered into evidence

Officer Jennifer Joiner testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation.

ITEM 21

Estate of Tadeusz Bohdziun

Attorney Frank Finkbeiner was present on behalf of the Respondents.

Erin Hartigan stated that the parties have entered into a settlement agreement in regards to the reduction of fine and requested the Special Magistrate approve and sign the proposed agreement.

Special Magistrate Charles D. Johnson approved the settlement agreement.

ITEM 22

Bruce V. Fetzer, SM-2013-12-0047

Respondent was present and sworn.

Erin Hartigan stated the facts of the case and that the Respondent is now in compliance with the Order of Enforcement and is requesting a reduction of fine.

Special Magistrate Charles D. Johnson reduced the fine to \$500.00 and granted 180 days to pay.

ITEM 23

Marshall Gaard, SM-2007-10-0478

Respondent was not present.

Erin Hartigan stated the facts of the case and that the parties have entered into a final settlement agreement in regards to the lien on the property.

Ron Collodi offered testimony.

Special Magistrate Charles D. Johnson approved the final settlement agreement.

ANIMAL SERVICES

ITEM 11

Clay Parker, SM-AS-1272-15

Respondent was not present.

Erin Hartigan stated this case is charging the owner with violation of Section 4-28 "Attack or Bite to Persons and/or Animals". Staff recommended the Special Magistrate find the Respondent in violation of this section and impose a fine of \$2,500.00.

File was entered into evidence.

Officer Gerry Hodge testified to the facts of the case.

Complainant, Kenneth Hinman, was present and sworn and testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation.

ITEM 12

Hector Silva, SM-AS-1273-15

Respondent was present and sworn.

Erin Hartigan stated this case is charging the owner with violation of Section 4-27 "Nuisance Abatement". Staff recommended the Special Magistrate find the Respondent in violation of this section and impose a fine of \$150.00.

File was entered into evidence.

Officer Gerry Hodge testified to the facts of the case.

Complainant, Greg Bates, was present and sworn and testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation and granted 90 days to pay the fine.

ITEM 13

Brandi Cuevas, SM-AS-0547-15

Respondent was present and sworn.

Erin Hartigan stated this case is charging the owner with violation of Section 4-28 "Attack or Bite to Persons and/or Animals". Staff recommended the Special Magistrate find the Respondent in violation of this section and impose a fine of \$2,5000.00.

File was entered into evidence.

Officer Laura Wright testified to the facts of the case.

Brandi Cuevas testified to the facts of the case and stated that the dogs are not hers.

Officer Harris of Mascotte Police Department, was present and sworn and offered testimony.

Special Magistrate Charles D. Johnson accepted staff's recommendation and granted 180 days to pay the fine.

ITEM 14

Gary and Nicole Lanzendorf, SM-AS-1116-15

Respondents were not present.

Erin Hartigan stated this case is charging the owner with violation of Section 4-27 "Nuisance Animals" and Section 4-28 "Attack or Bite to Persons and/or Animals". Staff recommended the Special Magistrate find the Respondents in violation of these sections and impose a fine of \$1,150.00.

File was entered into evidence.

Officer Gerry Hodge testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation.

ITEM 15

Jamie Kay Wiese, SM-AS-1142-15

Respondent was not present.

Erin Hartigan stated this case is charging the owner with violation of Section 4-27 "Nuisance Animals" and Section 4-28 "Attack or Bite to Persons and/or Animals". Staff recommended the Special Magistrate find the Respondent in violation of these sections and impose a fine of \$650.00.

File was entered into evidence.

Officer Laura Norton testified to the facts of the case.

Complainant, Betty Romano, was present and sworn and testified to the facts of the case and submitted a video into evidence.

Special Magistrate Charles D. Johnson accepted staff's recommendation.

ITEM 16

Ann Marie Ambrose, SM-AS-1241-15

Respondent was not present.

Erin Hartigan stated this case is charging the owner with violation of Section 4-27 "Nuisance Animals" and Section 4-28 "Attack or Bite to Persons and/or Animals". Staff recommended the Special Magistrate find the Respondent in violation of these sections and impose a fine of \$650.00.

File was entered into evidence.

Officer Sharon Beardsley testified to the facts of the case.

Complainant, Lekeesha Lattin, was present and sworn and testified to the facts of the case.

Complainant, Andrea Martin, was present and sworn and testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation.

ITEM 17

Bonnie Crouch, SM-AS-1241-15

Respondent was present and sworn.

Erin Hartigan stated this case is charging the owner with violation of Section 4-27 "Nuisance Animals". Staff recommended the Special Magistrate find the Respondent in violation of this section and impose a fine of \$150.00.

File was entered into evidence.

Officer Sharon Beardsley testified to the facts of the case.

Complainant, Sandy Wallace, was present and sworn and testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation and granted 90 days to pay the fine.

ITEM 20

Valerie Watson, SM-AS-1231-15

Respondent was not present.

File was entered into evidence.

Erin Hartigan stated this case is charging the owner with violation of Section 4-27 "Nuisance Animals". Staff recommended the Special Magistrate find the Respondent in violation of this section and impose a fine of \$150.00.

Officer Shasta Wilson testified to the facts of the case.

Complainant, Rhode Lee, was present and sworn and testified to the facts of the case and submitted a video into evidence.

Special Magistrate Charles D. Johnson accepted staff's recommendation

As there was no further business, meeting was adjourned at 10:51 a.m.

Respectfully submitted,



Jamie Davis
Recording Secretary

Receipt of the minutes as prepared of the January 13th, 2016 hearing is acknowledged this 2nd day of February, 2016. ^{10th}



Charles D. Johnson
Special Magistrate